

REMARKS/ARGUMENTS

The rejections presented in the Office action dated October 4, 2005 have been considered. Claims 1, 4, 7-26, 29, 34-41, 43, 44 and 46-49 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 41 and 46-49 were objected to because of informalities. Claims 1, 41 and 46-49 have been amended to overcome the objections. The amendments made to the claims are not made for purposes relating to patentability, and are not made in response to prior art or any rejections to the claims. Thus, the Applicant has not intended to narrow, nor has the Applicant narrowed, the scope of any of the claims resulting from the present amendment. Withdrawal of the objection to Claims 1, 41 and 46-49 is therefore respectfully requested.

Claims 1, 4, 7-15, 18, 21-26, 29, 34-36, 39-41 and 46-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0252674 by Soininen et al. (hereinafter "*Soininen*") in view of U.S. Patent Publication No. 2003/0026245 by Ejzak (hereinafter "*Ejzak*"), and further in view of "*SDP: Session Description Protocol*" by Handley et al. (hereinafter "*Handley*"). Claims 16-17, 19-20, 37-38 and 43-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Soininen* in view of *Ejzak*, and further in view of *Handley* and U.S. Patent Publication No. 2004/0120505 by Kotzin et al. (hereinafter "*Kotzin*").

While Applicant does not acquiesce to the particular rejections to these claims, it is believed that these rejections are moot because *Soininen* is not a proper reference under 35 U.S.C §103(c). Section 103(c) states in relevant part:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicants first note that both the instant application and *Soininen* are assigned to a common assignee, Nokia Corporation. Secondly, Applicants submit that the inventors of

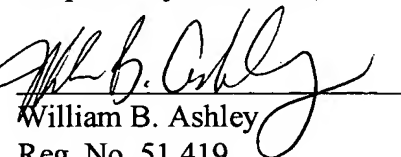
Soininen and the inventors of the instant application were under a common duty of assignment to Nokia Corporation at the time of their respective inventions. Therefore, *Soininen* is not a proper reference under 35 U.S.C §103(c). Applicants respectfully request withdrawal of the rejection because, as stated in the Office Action, the combination of *Ejzak* and *Handley* does not teach or suggest each and every claim limitation of Claims 1, 4, 7-15, 18, 21-26, 29, 34-36, 39-41 and 46-49, nor does the combination of *Ejzak*, *Handley*, and *Kotzin* teach or suggest each and every claim limitation of Claims 43-44.

Although Applicants submit the rejections to Claims 1, 4, 7-26, 29, 34-41, 43-44, and 46-49 are moot, it is to be understood that Applicants do not acquiesce to Examiner's characterization of the *Ejzak*, *Handley*, and *Kotzin* references, Applicants' claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to Applicants' claimed subject matter. Applicants reserve the right to address in detail the Examiner's characterizations and rejections of the claims in future prosecution.

If the Examiner believes it necessary or helpful, the undersigned agent of record invites the Examiner to contact him at 952-854-2700 x12 to discuss any issues related to this case.

Respectfully submitted,

Date:

By: 
William B. Ashley
Reg. No. 51,419
Hollingsworth & Funk, LLC
8009 34th St. S. Suite 125
Minneapolis, Minnesota 55425
(952) 854-2700